

ALEX G. TSE (CABN 152348)
Acting United States Attorney

BARBARA J. VALLIERE (DCBN 439353)
Chief, Criminal Division

JEFF SCHENK (CABN 234355)
JOHN C. BOSTIC (CABN 264367)
ROBERT S. LEACH (CABN 196191)
Assistant United States Attorneys

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5061
Fax: (408) 535-5066
Jeffrey.b.schenk@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

| | | |
|---------------------------|---|--------------------------------------|
| UNITED STATES OF AMERICA, |) | CR-18-00258-EJD |
| |) | |
| Plaintiff, |) | JOINT STATUS MEMORANDUM AND |
| |) | STIPULATION AND [PROPOSED] |
| v. |) | ORDER CONTINUING STATUS HEARING AND |
| |) | EXCLUDING TIME FROM THE SPEEDY TRIAL |
| ELIZABETH HOLMES and |) | ACT |
| RAMESH "SUNNY" BALWANI, |) | |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |

The parties in the above-captioned matter hereby file this joint status memorandum and stipulation to continue the status hearing currently scheduled for July 30, 2018. On June 15, 2018, the defendants each made initial appearances before Magistrate Judge van Keulen. After that appearance, each defendant informally requested discovery from the government. The government asked each defendant to provide it with a 2TB external hard drive. On or around the first week of July 2018, the government received a hard drive from each defendant. Upon receipt, the government began the process of loading the discovery onto these drives. The discovery in this matter is quite voluminous, and the government anticipates producing it in two large batches. The government expects to provide the first

1 batch of discovery within two weeks. The government anticipates providing the second batch of
2 discovery before the next court date.

3 The parties have met and conferred regarding this case and the production of discovery, and
4 request that the Court continue the status hearing currently scheduled for July 30, 2018 until October 1,
5 2018. The requested continuance will provide the government with additional time to produce
6 discovery, and will allow the defense an opportunity to begin to process and initially review the
7 discovery.

8 The parties also agree that the time between July 30, 2018 and October 1, 2018 is excludable
9 from the Speedy Trial Act based upon counsel's need to effectively prepare by reviewing discovery
10 materials provided by the government. The parties further agree that the failure to grant the requested
11 continuance would unreasonably deny defense counsel reasonable time necessary for effective
12 preparation, taking into account the exercise of due diligence. Finally, the parties agree that the ends of
13 justice served by granting the requested continuance outweigh the best interest of the public, and the
14 defendant in a speedy trial and the prompt disposition of criminal cases. 18 U.S.C. § 3161.

15
16 DATED: July 18, 2018

Respectfully submitted,

17 ALEX G. TSE
18 Acting United States Attorney

19
20 /s/
21 JEFF SCHENK
22 JOHN C. BOSTIC
23 ROBERT S. LEACH
24 Assistant United States Attorneys

25 DATED: July 18, 2018

26 /s/
27 KEVIN DOWNEY
28 LANCE WADE
Attorneys for Elizabeth Holmes

1 DATED: July 18, 2018

2
3 /s/
4 JEFF COOPERSMITH
5 MARK BARTLETT
6 Attorneys for Ramesh “Sunny”
7 Balwani
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10

11 **[PROPOSED] ORDER**

12 Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY
13 ORDERS that the status hearing currently scheduled for July 30, 2018 is continued to October 1, 2018 at
14 1:30. The Court FURTHER ORDERS that the time between July 30, 2018, and October 1, 2018, is
15 excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the failure to grant the
16 requested continuance would unreasonably deny each defense counsel reasonable time necessary for
17 effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds
18 that the ends of justice served by granting the requested continuance outweigh the best interest of the
19 public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The Court
20 therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161.
21

22 IT IS SO ORDERED.

23 DATED: _____

24 _____
25 EDWARD J. DAVILA
26 UNITED STATES DISTRICT JUDGE
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